

Brownfields Job Training Grants

Administrative Conditions

TERMS AND CONDITIONS

1. LOBBYING/LITIGATION

In accordance with OMB Circular A-21, A-897, or A-122, as appropriate, the recipient agrees that it will not use project funds, including the Federal and non-Federal share, to engage in lobbying the Federal Government or in litigation against the United States. The recipient also agrees to provide the EPA Form 5700-53, Lobbying and Litigation Certificate as mandated by EPA's annual appropriations act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. The certification must be submitted in accordance with the instructions provided by the EPA award official and is due 90 days after the end of the project period.

2. PAYMENT METHOD – ASAP

In order to comply with the Debt Collection Improvement Act of 1996, the recipient must complete and return the attached Automated Standard Application for Payments (ASAP) system (OAF Form 5-15-01) with the signed Assistance Agreement.

Sixty (60) days from the date of this Award, you must be converted to the ASAP Payment method. During the 60 day transition period, you may use the ACH payment method.

3. BROWNFIELDS

A. AUTHORITY

EPA awards this Cooperative Agreement in accordance with the Federal Grant and Cooperative Agreement Act of 1977. This agreement is subject to all applicable EPA assistance regulations, including the National Contingency Plan and 40 CFR Parts 31 and 35.

B. AUTOMATED STANDARD APPLICATION FOR PAYMENTS (ASAP) SYSTEMS PROCEDURES

In accepting this Cooperative Agreement, the recipient agrees to the following conditions for the ASAP method of financing:

- a. Cash drawdowns will occur only when needed for disbursements;
- b. Timely reporting of cash disbursements and balances will be provided, as required by the ASAP Users Manual;
- c. The same standards of timing and reporting will be imposed on secondary recipients, if any;
- d. The recipient will submit a Federal Cash Transactions Report (SF 272) every six months on June 30th and December 31st;
- e. When activity is completed, the recipient will submit a Financial Status Report (Standard Form 269A) within 90 days to the EPA Grants Specialist;

f. Superfund recipients also must submit the SF 269A within 90 days after the close of each budget period. If the budget period is longer than one year the report must be submitted annually, based on the anniversary date of the award.

Failure on the part of the recipient to comply with the above condition may cause the unobligated portions of the ASAP credit to be revoked and the financing method changed to a reimbursable basis.

C. PROMPT PAYMENT ACT PROVISIONS

In accordance with Section 2(d) of the Prompt Payment Act (PL 97-177), Federal funds may not be used by the recipient for the payment of interest penalties to contractors when bills are paid late, nor may interest penalties be used to satisfy cost-sharing requirements. Obligations to pay such interest penalties will not be obligations of the United States.

4. MBE/WBE

In accordance with EPA's Program for Utilization of Small, Minority and Women's Business Enterprises in procurement under assistance programs, the recipient agrees to:

a) Accept the applicable fiscal year "fair share" goals negotiated with EPA by the applicable State as follows:

	MBE		WBE
Construction	3%	Construction	3.7%
Supplies	1%	Supplies	3.7%
Services	1%	Services	3.7%

If the recipient does not want to rely on applicable State's MBE/WBE goals, the recipient agrees to submit proposed MBE/WBE goals based on availability of qualified minority and women-owned businesses to do work in relevant market for construction, services, supplies and equipment. "Fair share" objectives must be submitted to the MBE/WBE Coordinator within 30 days of award and approved by EPA no later than 30 days thereafter.

b) Ensure to the fullest extent possible that at least the fiscal year "fair share" objective, see a) above, of Federal funds for prime contractors or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women and historically black colleges and universities.

c) Include in bid documents "fair share" objectives of fiscal year fair share percentage, see a) above, and require all of its contractors to include in their bid documents for subcontracts the negotiated fair share percentages.

d) Follow the six affirmative steps stated in 40 CFR 30.44(b), 40 CFR 31.36(e), 35.3145(d), or 35.6580, as appropriate.

e) For assistance awards for continuing environmental programs and assistance awards with institutions of higher education, hospitals and other non-profit organizations, submit an EPA Form 5700-52A, "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" to the EPA Award Official by October 30 of each year.

f) In the event race and/or gender neutral efforts prove to be inadequate to achieve a fair share objective for MBE/WBEs, the recipient agrees to notify EPA in advance of any race and/or gender conscious action it plans to take to more closely achieve the fair share objective.

g) Until the recipient has completed its fair share negotiations with EPA, it agrees to maintain state Agency's fair share objectives. Once the recipient has completed its fair share negotiations with EPA, it will apply those objectives. The recipient also agrees to include in its bid documents the applicable FISCAL YEAR "fair share" objectives and require all of its prime contractors to include in their bid documents for subcontracts the applicable fiscal year "fair share" percentages and to comply with paragraphs (c) through (e) above.

5. PUBLIC ACCOMMODATION

The recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds, complies with the Hotel and Motel Fire Safety Act of 1990.

6. RECYCLED PAPER

Pursuant to EPA Order 1000.25, dated January 24, 1990, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to the Agency. This requirement does not apply to reports which are prepared on forms supplied by EPA. This requirement applies even when the cost of recycled paper is higher than that of virgin paper.

7. REPORTING – QUARTERLY

Programmatic reports will be submitted to U.S. EPA on a quarterly basis, within 30 days following the end of the quarter. Financial Status Reports (SF269A) will be submitted annually, based on the anniversary date of the award. Final financial status reports will be submitted when all encumbrances are liquidated.

In describing the work accomplished during the reporting period, recipients are encouraged to describe related brownfields efforts in their quarterly reports; however, the report must clearly delineate which tasks are funded by the cooperative agreement and which items are funded from other sources.

8. SMALL BUSINESS IN RURAL AREAS

By accepting this agreement, the recipient agrees to comply with Section 129 of Public Law 100-590, the Small Business Administration Reauthorization and Amendment Act of 1988. Therefore, if the recipient awards a contract under this assistance agreement, it will utilize the following affirmative steps relative to Small Business in Rural Areas (SBRAs):

- a. Placing SBRAs on solicitation lists;
- b. Ensuring that SBRAs are solicited whenever they are potential sources;
- c. Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by SBRAs;
- d. Establishing delivery schedules, where the requirements of work will permit, which would encourage participation by SBRAs;
- e. Using the services of the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce, as appropriate; and
- f. Requiring the contractor, if it awards subcontracts, to take the affirmative steps in subparagraphs a. through e. of this condition.